

Atty. Dkt. No. 200208583-1

REMARKS

This Reply is in response to the Office Action mailed on January 20, 2006.

Applicants request reconsideration and allowance of the present application in view of the following.

I. Claim Rejections under 35 USC § 102

Claims 1-4, 6-13, 16-25, 27, 33-37, and 39-42 stand rejected as anticipated by Takei (JP 403039255). Applicants respectfully traverse these rejections as applied to the claims as amended.

Claim 1 is amended to recite "drawing air and ink from the drum via a vacuum conduit coupled to the drum; filtering at least a portion of the ink from the air with a filter coupled to the vacuum conduit." Applicants submit that this feature is not disclosed by Takei. In this regard, the Office Action states "Takei fails to teach a filter coupled to the vacuum conduit." (Office Action, page 7). Consequently, Applicants submit that Takei does not anticipate claim 1 as amended. Withdrawal of this rejection is requested.

Claims 2-4 are cancelled, thus rendering moot the rejections thereof.

Claim 6 depends upon claim 1 and is allowable for at least the same reasons claim 1 is allowable. Withdrawal of this rejection is requested.

Claim 7 is amended to recite "a vacuum system coupled to the drum to draw fluid drops through the spittoon aperture into the drum and to a collection structure; wherein the drum is supported for rotation on a bearing structure, and said vacuum system includes a vacuum conduit connected to said drum by a conduit bearing support permitting the drum to rotate and the vacuum conduit to remain in a fixed position." Applicants submit that this feature is not disclosed by Takei. In this regard, the Office Action recognized similar subject matter as being

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allowable at Paragraph 4 of the Office Action. (Office Action, Page 7).

Withdrawal of this rejection is requested.

Claims 8-11, 12, 13, 15, and 16 depend upon claim 7 and are allowable for at least the same reasons as claim 7 is allowable. Withdrawal of this rejection is requested.

Claim 17 is amended to recite "a vacuum conduit connected to the rotatable drum by a conduit bearing support that permits the drum to rotate and the vacuum conduit to remain in a fixed position." Applicants submit that this feature is not disclosed by Takei. In this regard, the Office Action recognized similar subject matter as being allowable at Paragraph 4 of the Office Action. (Office Action, Page 7). Withdrawal of this rejection is requested.

Claims 18, 19, and 21 depend upon claim 17 and are allowable for at least the same reasons as claim 17 is allowable. Withdrawal of this rejection is requested.

Claim 22 is amended to recite "filtering at least a portion of the fluid from air after outside of the drum." Applicants submit that this feature is not disclosed by Takei. In this regard, the Office Action states "Takei fails to teach a filter coupled to the vacuum conduit." (Office Action, page 7). Consequently, Applicants submit that Takei does not anticipate claim 1 as amended. Withdrawal of this rejection is requested.

Claims 23-25 and 27 depend upon claim 22 and are allowable for at least the same reasons claim 22 is allowable. Withdrawal of this rejection is requested.

Claim 33 recites "a duct in said drum cylindrical wall having a spittoon end opening to said spittoon aperture and a second end communicating with a source of vacuum." Applicants submit that Takei does not disclose a duct "in" a drum cylindrical wall. Indeed, Takei does not disclose any duct structure within the

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drum. Instead, it appears that Takei provides a duct 16 outside or external the drum. Because Takei does not disclose a "duct in said drum cylindrical wall having a spittoon end opening to said spittoon aperture and a second end communicating with a source of vacuum" as recited in claim 33, Takei does not anticipate claim 33. Withdrawal of this rejection is requested.

Claim 34 depends upon claim 33 and is allowable for at least the same reasons as claim 33 is allowable. Withdrawal of this rejection is requested.

Claims 35-37 are cancelled, thus rendering moot the rejections thereof.

Claim 39 is amended to recite "drawing air and ink from the drum via a vacuum conduit coupled to the drum; filtering at least a portion of the ink from the air with a filter coupled to the vacuum conduit." Applicants submit that this feature is not disclosed by Takei. In this regard, the Office Action states "Takei fails to teach a filter coupled to the vacuum conduit." (Office Action, page 7). Consequently, Applicants submit that Takei does not anticipate claim 1 as amended. Withdrawal of this rejection is requested.

Claims 40-42 depend upon claim 39 and are allowable for at least the same reasons as claim 39 is allowable. Withdrawal of this rejection is requested.

II. Claim rejections under 35 USC § 103

In paragraph 2 of the Office Action, claims 5, 15, 26, 28-32, 38 and 43 are rejected as being obvious over Takei. Applicants traverse these rejections as applied to the amended claims.

Claim 5 depends upon claim 1 and is allowable for at least the same reasons as claim 1 is allowable. Withdrawal of this rejection is requested.

Claim 15 depends upon claim 7 and is allowable for at least the same reasons as claim 7 is allowable. Withdrawal of this rejection is requested.

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Claim 26 depends upon claim 22 and is allowable for at least the same reasons as claim 22 is allowable. Withdrawal of this rejection is requested.

Claims 28-32 and 38 are cancelled.

Claim 43 depends upon claim 39 and is allowable for at least the same reasons as claim 22 is allowable. Withdrawal of this rejection is requested.

In paragraph 3 of the Office Action, claim 14 is rejected as being obvious over Takei in view of Webster et al. (20020180828). Webster is prior art under 102(e). Applicants submit that the present application and the Webster et al reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s). Accordingly, Webster et al is disqualified as a reference under 35 USC § 103(c). See MPEP 706.02(I)(3). Consequently, given the disqualification of this reference, Applicants request withdrawal of the rejection of claim 14. Claim 14 is rewritten in independent form, but its scope is unchanged by this amendment.

III. Allowable Subject Matter

Claim 15 is rewritten in independent form and Applicants submit that the objection to claim 15 is overcome.

Applicants agree with the Examiner's conclusions regarding patentability, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicants believe that the application is allowable because the prior art fails to teach, anticipate, or render obvious the invention as claimed, independent of how the invention is paraphrased.

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IV. Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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